

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-cv-102-TJW**

**JURY TRIAL DEMANDED**

**JOINT MOTION FOR EXTENSION OF CERTAIN DEADLINES**

COMES NOW Plaintiff, Actus, LLC (“Actus”) and Defendant Visa, Inc. (“Visa”) and files this Joint Motion for Extension of Certain Deadlines and shows the Court as follows:

Visa filed a Motion to Dismiss Plaintiff’s Claims Under Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 12(b)(7) (“Visa’s Motion”). (Dkt. 101) Actus’ response is currently due on July 17, 2009 and Visa’s reply is currently due on August 7, 2009. The Parties respectfully request an order from the Court modifying the deadline for Actus’ response brief up to and including July 31, 2009 and the deadline for Visa’s reply brief up to and including August 21, 2009. This request is not for purposes of delay but to allow the parties adequate time to file their response and reply briefs.

Dated: July 14, 2009

Respectfully Submitted,

**VISA, INC.**

**ACTUS, LLC**

By: /s/ Joseph A. Micallef

By: /s/ William E. "Bo" Davis, III

Joseph A. Micallef (admitted *Pro Hac Vice*)  
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**ATTORNEY FOR PLAINTIFF  
ACTUS, LLC**

**ATTORNEYS FOR DEFENDANT  
VISA INC.**

### **CERTIFICATE OF CONFERENCE**

The undersigned certifies that he conferred with counsel for Visa and that the parties agree on the relief requested herein.

/s/ William E. "Bo" Davis, III  
William E. "Bo" Davis, III

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 14th day of July, 2009.

/s/ William E. "Bo" Davis, III  
William E. "Bo" Davis, III